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effect will be felt by so many that some safeguards will finally be erected to contain, if not roll back, the runaway Supreme Court.

[From the Spartanburg (S.C.) Herald,
June 18, 1964]

COURT HAS GONE FAR IN REVERSING BALANCE

Just how far the U.S. Supreme Court has gone in reversing the traditional and constitutional balance of power between State and Federal Governments is shown in a few striking decisions over the past few weeks.

Begin with the integration of the University of Georgia. The State talked about withdrawing funds appropriated to the institution.

The Federal Court moved in with an order that said the State could not take back money it previously had allocated to such an institution. Even then, it seemed obvious that if the Supreme Court presumed authority to so rule it holds equal power to require a State to appropriate and expend money.

This is precisely what it did do only a few days ago, when a Federal court not only said that Prince Edward County must appropriate funds for public schools but stipulated how much.

Then there was the Tennessee congressional district case. The Supreme Court required redistricting, a function that had been considered strictly a prerogative of State legislatures. Admittedly, there was logic in the need for redistricting, but that was not the major principle. The basic question was that Supreme Court's constitutional authority to make the determination.

The same is true in the latest decision that State senates, as well as their lower houses, must be apportioned according to population. It is true that corrections are badly needed in some States (South Carolina being in relatively good condition). But does the Constitution grant the Supreme Court power to make the States act in this field?

This would seem to be logically impossible, since the State legislatures now overruled were in existence prior to the adoption of the Constitution itself. State governments hardly could have meant to adopt a Constitution that would outlaw the form of their legislatures.

Another stark example of Federal court preemption was in the contempt cases against Gov. Ross Barnett, of Mississippi, and his Lieutenant Governor. The Constitution specifically provides that disputes between States and the Federal Government shall come before the Supreme Court. This provision was rejected and a lower Federal court found the two State officials guilty of contempt.

The Supreme Court itself denied that they had any right to a trial by jury.

One wonders where this development of the Supreme Court omnipotence is likely to end.

[From the Washington (D.C.) Star, June 17, 1964]

THE OMNIPOTENT SUPREME COURT: APPORTIONMENT RULING CITED AS LATEST EXAMPLE OF POWER GRAB BY JUSTICES

(By David Lawrence)

A majority of the Supreme Court of the United States has again overstepped the bounds of judicial self-restraint. This time the Court has chosen to ignore the language of the Constitution itself which gives to the States the right to fix their own voting districts for the two houses of each legislature.

No such usurpation of power by the judicial branch of the Government has been recorded before in the whole history of the Republic as is being manifested by the present Court. The Supreme Court by its recent decisions has taken upon itself to tell the

board of supervisors in a county how it shall tax and appropriate its money. It, moreover, has told the American people, in effect, that there must be no prayer in the schools during school hours. And now it has undertaken to say that the 50 States of the Union cannot have their legislative houses based upon any form of representation the constitution of the State may proclaim, but must conform to a formula set forth by the Supreme Court of the United States itself.

If the foregoing observations are considered too critical of the Court's decisions, any doubts are dispelled by the actual words of the Justices who dissented in the reapportionment cases handed down on Monday of this week.

Justice Harlan, for example, declared that the failure of the Court to consider the language of the 14th amendment—on which the Court's opinion was based—"cannot be excused or explained by any concept of 'developing' constitutionalism." He added:

"It is meaningless to speak of constitutional 'development' when both the language and history of the controlling provisions of the Constitution are wholly ignored."

Justice Harlan further declared that the Court's action "amounts to nothing less than an exercise of the amending power by this Court," and said:

"For when, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amending process."

Justice Harlan pointed out that the decisions this week "give support to a current mistaken view of the Constitution and the constitutional function of this court." He continued:

"This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional 'principle' and that this Court should 'take the lead' in promoting reform when other branches of Government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven or reform movements."

Justice Stewart, in a dissenting opinion in which he was joined by Justice Clark, declared:

"With all respect, I am convinced these decisions mark a long step backward into that unhappy era when a majority of the members of this Court were thought by many to have convinced themselves and each other that the demands of the Constitution were to be measured not by what it says, but by their own notions of wise political theory. The rule announced today is at odds with long-established principles of constitutional adjudication under the equal protection clause, and it stifles values of local individuality and initiative vital to the character of the Federal Union which it was the genius of our Constitution to create."

"What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each of the 50 States, from Maine to Hawaii, from Alaska to Texas, without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, distinct geography, distinct distribution of population, and distinct political heritage. My own understanding of the various theories of representative government is that no one theory has ever commanded unanimous assent among political scientists, historians, or others who have considered the problem."

Thus, three justices of the Supreme Court criticized their six colleagues for having overstepped the bounds of the Constitution.

What can the people throughout the country who disagree with the Court do about its

rulings? For one thing, they can urge Congress to pass a law taking from the Supreme Court all jurisdiction in apportionment cases. But an even more effective course would be the passage of a new constitutional amendment reiterating that the States of the Union have a right to apportion legislative districts under their own constitutions.

VISIT OF U.S. CITIZENS TO COMMUNIST CUBA

Mr. THURMOND. Mr. President, the Times and Democrat of Orangeburg, S.C., has published in its June 17, 1964, issue an outstanding editorial in support of the position taken by Congressman ALBERT WATSON against permitting U.S. citizens to visit Communist Cuba and agitate there in favor of communism. I concur fully with the sentiments expressed in this editorial and also with a letter which Congressman Watson has addressed to the Secretary of State and the Attorney General urging that passports of these disloyal citizens be revoked and that they be denied reentry into this country. The time has come, Mr. President, for the people in America to decide whether they are going to be on the side of communism and socialism or whether they are going to be on the side of capitalism and freedom—and I might add, God.

I ask unanimous consent that this editorial entitled "He Tried—We Should, Too" be printed in the Appendix of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[The Orangeburg (S.C.) Times and Democrat, June 17, 1964]

HE TRIED—WE SHOULD, TOO

U.S. Second Congressional District Representative ALBERT WATSON has the unusual knack of expressing himself well on matters with which we agree. Reading of an unauthorized visit to Cuba of a group of 73 American students who, according to news reports, have denounced the American Government as the "biggest farce in history" and advocated its destruction, Representative WATSON got his dander up.

He did what you and I should but don't. He wrote Secretary of State Dean Rusk and Attorney General Robert F. Kennedy, urging that their passports be revoked and that reentry be denied them.

Here is what he wrote:

"Dear Sirs:

"It is with disbelief and disgust that I read the Associated Press report from Havana where several students from a group of 73 Americans visiting Cuba in defiance of travel restrictions had denounced the American Government as 'the biggest farce in history' and had further been so brazen as to advocate 'its destruction.'"

"While every citizen is free to criticize his government, we must not allow this group to defy American law in traveling to a country which has illegally expropriated our property and threatened our people, and while there called for the destruction of our Government. That this would happen on our very doorsteps in Communist Cuba makes the act more despicable and contemptible."

"This letter is to urge you, as heads of the State and Justice Departments, to institute immediate proceedings revoking the passports of this group and barring their reentry into the United States. If citizens, even public officials, of a sovereign state can

be threatened with jail for alleged defiance of a Supreme Court decision, then certainly we shall not allow anyone to reenter our country who has advocated 'the destruction of our Government.'

"Additionally, America has just experienced the tragic assassination of her President by an avowed young Marxist, and under no circumstances should these so-called students be allowed to reenter our Nation.

"No doubt, the recent Supreme Court decision, freeing the members of the U.S. Communist Party from registration under a law passed by Congress, has contributed in large measure to this open defiance by the current group of so-called Americans traveling in Cuba. To permit them to reenter the United States would, in my judgment, be a possible act in aiding another would-be assassin.

"The reason we are again plagued with such a law-defying Communist group is because others have gone unpunished by the United States. Witness the other group of so-called American students who went to Cuba last year and apparently nothing has been done to them other than their appearance before the House Un-American Activities Committee last fall when they heaped all types of abuse and vilification upon that committee.

"Should we bar reentry of these would-be traitors, I believe it will bring them and others of like mind to their knees. If, according to their statement, 'our Government is a farce and should be destroyed' then let these people stay in Cuba and enjoy the privation and enslavement under a true Communist dictator.

"Unless these steps are taken immediately to revoke their passports and bar reentry into the United States, this Nation will be the laughing stock of Cuba and the world.

"There will be those who will come to the defense of the students, perhaps some in high authority like the nine men who now rule our destiny. They will be pictured as 'harmless,' 'misled,' 'seeking publicity,' and the like. And they will undoubtedly be greeted back by Messrs. Rusk and Kennedy (the name doesn't make him perfect). Perhaps the State Department will send them taxpayers' funds to enable them to return, just as it did in the case of Lee Oswald."

While we agree 100 percent with Representative WARREN, we do not believe that his protest will be given much consideration. But at least he tried. And that's what the rest of us should do.

VIEWS OF A LAYMAN WHO DISAPPROVES

Mr. THURMOND. Mr. President, I have been very impressed with an article which has been printed in the News and Courier of Charleston, S.C., of June 14, 1964. The article is entitled "Views of a Layman Who Disapproves" and was written by Mr. W. W. Taylor of Raleigh, N.C. Originally the statement was broadcasted on station WRAL-TV in Raleigh.

Mr. Taylor does a very eloquent job of discussing the question of the so-called moral issue which has been raised about the so-called civil rights legislation. I ask unanimous consent, Mr. President, that this article be printed in the Record at the conclusion of these remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Charleston, (S.C.) News and Courier, June 14, 1964]

VIEWS OF A LAYMAN WHO DISAPPROVES (By W. W. Taylor, Jr.)

(EDITOR'S NOTE.—This statement was prepared by Mr. W. W. Taylor of Raleigh, a member of the law firm of Maupin, Taylor, and Ellis.

(Mr. Taylor served three terms in the North Carolina House of Representatives. He is a former president of the North Carolina Bar Association. He is the grandson of an Episcopal minister and an active layman in his church. His statement was broadcast by WRAL-TV station in Raleigh, N.C.)

I have been requested to express the views of a layman who disapproves strongly of some of the positions and activities of the church today. With the few opportunities for expression afforded by the church leadership to those who disapprove, this opportunity carries with it an obligation.

Although I do not presume to speak for anyone but myself, I believe that there are many laymen and some clergymen who share my views that the church—in which my grandfather was a priest, in which I was reared, and in which I have participated actively—has in recent years departed from its primary function of teaching the Gospel of Jesus Christ and has, instead, concentrated its efforts on promoting social and economic theories about which there are wide differences of opinion among those who consider themselves Christians and has, to a large extent, made itself an appendage of the liberal political movement in the United States, which at all levels depends for its existence upon the bloc vote of minority groups.

My concern has increased progressively, year by year, as I have observed individuals, claiming to speak for the church, appearing before legislative committees in support of or opposition to controversial legislation, stirring up racial discord, publishing an inflammatory magazine called "Church and Race," lobbying for the passage of the pending civil rights bill, leading unlawful mob activities, and supporting and subsidizing, with church funds, criminal conduct on the part of clergymen paid by the National Council of Churches to come into this State and openly defy our laws.

All thinking persons are concerned with the present race problem. Most are aware that such problems have always existed where people of different races have lived side by side. The hatred and contempt of the Jews for the Samaritans had endured for centuries before the birth of Christ.

Racial attitudes will not, however, be changed by laws or decrees, regardless of their source. On the contrary, attempts at enforced solutions will only magnify existing problems, produce increased ill will, and create unyielding opposition among those normally tolerant.

Serious though the race problem may be, there are other questions arising from the church's attitude and activities that are, in my opinion, more fraught with dangers of harmful and lasting consequences.

What has become of the separation of church and state? What will become of our society if open defiance of law is tolerated? What will be the lot of individuals and minority groups if constitutional guarantees of life, liberty, and property are swept away? The church appears to me to be taking an active part on the wrong side of each of these questions.

The church leadership seems fully committed to seeking the passage of the civil rights bill, the true purpose of which is to attract minority bloc votes having the bal-

ance of power in a few States which, in the main, hold the balance of power in national elections. A Congressman from New Hampshire, a former attorney general of that State, recently stated unequivocally on the floor of the House that this legislation is purely political and that it would not get 50 votes from the 435 House Members if they voted by secret ballot.

I do not know what Jesus Christ, if alive, would have to say about the race problem and the civil rights bill—and I do not think that anyone else does, either.

While His views may be subject to different interpretations, Christ's statements to the Samaritan woman at the well and the Canaanite woman, whose sick child He first refused to heal, and His admonition to His disciples, as He sent them forth to spread the Gospel, "Go not into the way of the gentiles, and into any city of the Samaritans enter ye not," certainly seem to indicate that He felt no obligation to tear down racial barriers then existing between the Jews and their neighbors. Peter and Paul, after His death, apparently conceived that their mission was to carry the gospel only to the Jews, until the Jews refused to accept it and they turned to the gentiles.

I find nothing in the Bible to indicate that Jesus Christ was either revolutionist or an advocate of civil disobedience. Had He, with His miraculous powers, been the former, the Jews, seeking a military leader to drive out the Romans, would have made Him a king, instead of sending Him to the cross.

His submission to duly constituted authority was a far cry from illegal trespasses on private property, or from support of a Negro leader in Williamston, N.C., who recently called for the violation of all laws that did not agree with his interpretation of the 14th amendment. It was not popular for Jesus, in the presence of His nationalistic, captive countrymen, to counsel, "Render unto Caesar the things that are Caesar's," but by so doing He helped to create a respect for law and order in Christian countries that made possible the development and survival of Western civilization.

Those who advocate the unlawful blocking of streets and the high-handed invasion of private property will look in vain to find support in the teachings of Him who counseled obedience to the unpopular laws of the Roman conquerors and to every jot and tittle of the Mosaic Code.

Mob violence and anarchy are no less mob violence and anarchy because the leaders of the mob wear clerical collars instead of hoods and bed sheets. What would be the attitude of the church if the Ku Klux Klan was leading mobs in the street and urging defiance of the law and contempt for private property rights? Can there be one law for the clergy and another for the Ku Klux Klan?

I, for one, am unwilling to condone such behavior, whether by the Ku Klux Klan or by the wife of a retired bishop. The next step after the breakdown of the civil law is rule by the mob. To aid or abet those who defy the law is, itself, a violation of law. And yet, if I participate in the activities of the church and contribute to its support, I find myself forced into that position.

One would think that, with a knowledge and understanding of the lessons of history, the leaders of all denominations would take a firm stand on the side of long-established constitutional principles. One would expect them to speak out against open defiance of the law, fighting in the streets and invasion of private property.

They have, I believe, in the past condemned such activities when carried on by the Ku Klux Klan. Today, though, inconceivable as it may be, they seem to be in the van of those promoting them.